

ACTION REPORT
CITY OF COSTA MESA
REGULAR CITY COUNCIL, COSTA MESA FINANCING
AUTHORITY BOARD, COSTA MESA PUBLIC FINANCING
AUTHORITY BOARD, AND SUCCESSOR AGENCY TO
THE REDEVELOPMENT AGENCY* MEETING

*NOTE: ALL AGENCY AND AUTHORITY MEMBERSHIPS ARE REFLECTED IN THE TITLE "COUNCIL MEMBER."

TUESDAY, SEPTEMBER 19, 2017
CITY COUNCIL CHAMBERS, 77 FAIR DRIVE
CLOSED SESSION – 4:00 P.M.
REGULAR MEETING – 6:00 P.M.

KATRINA FOLEY
Mayor

SANDRA L. GENIS
Mayor Pro Tem

JOHN B. STEPHENS
Council Member

JAMES M. RIGHEIMER
Council Member

ALLAN R. MANSOOR
Council Member

City Attorney
Thomas Duarte

City Manager
Thomas R. Hatch

CLOSED SESSION

CALL TO ORDER

The Closed Session was called to order by the Mayor at 4:03 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

ROLL CALL

Present: Council Member Mansoor, Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Absent: Council Member Righeimer

FOR INFORMATIONAL PURPOSES ONLY

The City Council recessed to Conference Room 5A at 4:05 p.m. for Closed Session to consider the following items:

1. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Subdivision (a) of Section 54957.6, California Government Code
Agency Designated Representative: Tamara Letourneau, Assistant City Manager
Name of Employee Organization: Costa Mesa Firefighters Association (CMFA).

2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: Timothy Dadey, et al. v. City of Costa Mesa, Orange County
Superior Court of California, Case No. 30-2014-00757962-CU-CR-CJC.

3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: The Kennedy Commission, et al. v. City of Costa Mesa, Orange
County Superior Court of California, Case No. 30-2016-00832585-CU-WM-CJC.

**4. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
SIGNIFICANT EXPOSURE TO LITIGATION**

Pursuant to Subdivision (d)(2) of Section 54956.9, California Government Code
for 1 potential case.

The City Council reconvened at 6:15 p.m.

CALL TO ORDER

The meeting was called to order by the Mayor at 6:15 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

ROLL CALL

Present: Council Member Mansoor, Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley

Absent: Council Member Righeimer

CITY ATTORNEY CLOSED SESSION REPORT – NONE

COIN: Ex Parte Communications pursuant to Municipal Code Section 2-238 (b) – Mayor Foley spoke with the membership team regarding procedural matters.

FOR INFORMATIONAL PURPOSES ONLY

CONSENT CALENDAR:

MOVED/SECOND: Council Member Stephens/Mayor Pro Tem Genis

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 8 except for **2, 4, 5, 6, 7, and 8.**

The motion carried by the following roll call vote:

Ayes: Council Member Mansoor, Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Nays: None

Absent: Council Member Righeimer

Motion carried: 4-0-1

1. **READING FOLDER** Claims received by the City Clerk: Alberto Alvarez, James Davis, Kaori Hiravama, Gino Mascia, Robert McDougal, and Michael D. Smith.

ACTION:

City Council received and filed.

3. **ACCEPTANCE OF A \$150,000 GRANT FROM HOAG MEMORIAL HOSPITAL PRESBYTERIAN AND ALL ASSOCIATED BUDGET ADJUSTMENTS FOR FY 17/18 AND 18/19**

ACTION:

City Council accepted a \$150,000 grant from Hoag Memorial Hospital Presbyterian for the Senior Center Medical Transportation Program (MTP), for FY 17/18 and the first half of FY 18/19, and authorized a budget adjustment in the amount of \$150,000.

ITEMS REMOVED FROM THE CONSENT CALENDAR:

2. **WARRANT RESOLUTION NO. 2583 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 17-16 "A" FOR \$1,3262.54 AND 17-17 FOR \$2,307,215.66; AND CITY OPERATING EXPENSES FOR \$2,621,106.06; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**

MOVED/SECOND: Council Member Mansoor/Mayor Pro Tem Genis

The motion carried by the following roll call vote:

Ayes: Council Member Mansoor, Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Nays: None

Absent: Council Member Righeimer

Motion carried: 4-0-1

ACTION:

City Council approved Warrant Resolution No. 2583.

4. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AUTHORIZING ACCEPTANCE OF GRANT AWARDS FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY FOR THE SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP)

MOVED/SECOND: Council Member Mansoor/Council Member Stephens

The motion carried by the following roll call vote:

Ayes: Council Member Mansoor, Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Nays: None

Absent: Council Member Righeimer

Motion carried: 4-0-1

ACTION:

1. City Council adopted Resolution No. 17-58, which authorizes the execution of the Grant Agreement with the State of California – Office of Traffic Safety (OTS) for the Selective Traffic Enforcement Program (STEP) and authorized the Police Chief to execute the Grant Agreement; and
2. Approved Budget Adjustment #18-007 in the total amount of \$290,000 to increase revenue and appropriation for overtime, professional development and equipment associated with the 2017 OTS STEP Grant.

5. STREET REHABILITATION PROJECT, CITY PROJECT NO. 15-05

MOVED/SECOND: Council Member Mansoor/Mayor Pro Tem Genis

The motion carried by the following roll call vote:

Ayes: Council Member Mansoor, Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Nays: None

Absent: Council Member Righeimer

Motion carried: 4-0-1

ACTION:

1. City Council accepted the work performed by R.J. Noble Company, and authorized the City Clerk to file the Notice of Completion; and
2. Authorized release of the Labor and Material Bond seven (7) months after the filing date; release of the Faithful Performance Bond one (1) year after the filing date; and release of the retention monies 35 days after the Notice of Completion filing date.

6. WEST 19TH STREET BICYCLE TRAIL PROJECT

MOVED/SECOND: Council Member Stephens/Mayor Foley

The motion carried by the following roll call vote:

Ayes: Council Member Mansoor, Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Nays: None

Absent: Council Member Righeimer

Motion carried: 4-0-1

ACTION:

1. City Council suspended all environmental and design activities by third party consultants on the West 19th Street Bicycle Trail Project in Talbert Park; and
2. Authorized staff to work with the County of Orange on their Resource Management Plan for Talbert Nature Preserve.

7. RESOLUTION FOR EXCEPTION TO THE 180-DAY WAIT PERIOD PURSUANT TO GOVERNMENT CODE SECTIONS 7522.56 AND 21224, FOR THE REHIRE OF RETIRED SENIOR COMMUNICATIONS SUPERVISOR CHERIE PITTINGTON

MOVED/SECOND: Council Member Mansoor/Mayor Pro Tem Genis

The motion carried by the following roll call vote:

Ayes: Council Member Mansoor, Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Nays: None

Absent: Council Member Righeimer

Motion carried: 4-0-1

ACTION:

City Council adopted Resolution No. 17-59 for exception to the 180-Day Wait Period pursuant to Government Code Sections 7522.56 and 21224 to retain the services of retired Senior Communications Supervisor Cherie Pittington.

8. RESOLUTION AMENDING THE 2017-18 BUDGET TO INCORPORATE A LIST OF PROJECTS FUNDED BY SENATE BILL 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT

MOVED/SECOND: Mayor Pro Tem Genis/Council Member Stephens

The motion carried by the following roll call vote:

Ayes: Council Member Mansoor, Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Nays: None

Absent: Council Member Righeimer

Motion carried: 4-0-1

FOR INFORMATIONAL PURPOSES ONLY

ACTION:

1. City Council adopted Resolution No. 17-60, amending the Fiscal Year 2017-18 Budget to incorporate a list of projects proposed to be funded with Road Maintenance and Rehabilitation Account (RMRA) revenues; and
2. Approved Budget Adjustment No.18-009; and
3. Amended the Fiscal Year 2017-18 Capital Improvement Budget to include revised B-12 forms.

PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55):

ITEM #2 WAS CONSIDERED OUT OF ORDER.

2. **CIVIC OPENNESS IN NEGOTIATIONS (COIN) ORDINANCE FIRST PUBLIC HEARING OF THE ADOPTION OF THE 2017-2021 MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF COSTA MESA AND THE COSTA MESA FIREFIGHTERS ASSOCIATION (CMFA)**

MOVED/SECOND: Mayor Foley/Council Member Stephens

MOTION: To continue the item to the October 3, 2017 City Council meeting.

The motion carried by the following roll call vote:

Ayes: Council Member Mansoor, Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Nays: None

Absent: Council Member Righeimer

Motion carried: 4-0-1

ACTION:

City Council continued the item to the October 3, 2017 City Council meeting.

1. **2017 LEASE REVENUE BONDS FOR LIONS PARK PROJECTS AND REFUNDING OF EXISTING 2007 CERTIFICATES OF PARTICIPATION**

MOVED/SECOND: Council Member Stephens/Mayor Foley

The motion carried by the following roll call vote:

Ayes: Council Member Mansoor, Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Nays: None

Absent: Council Member Righeimer

Motion carried: 4-0-1

FOR INFORMATIONAL PURPOSES ONLY

ACTION:

1. City Council adopted the City Council Resolution No. 17-61, authorizing the issuance of the 2017 Lease Revenue Bonds by the Financing Authority, approving the form of certain documents in connection therewith and authorizing certain actions in connection therewith; and
2. Costa Mesa Financing Authority adopted the Financing Authority Resolution No. FA 17-01, authorizing the issuance of the 2017 Lease Revenue Bonds by the Financing Authority, approving the form of certain documents in connection therewith and authorizing certain actions in connection therewith; and
3. Costa Mesa Public Financing Authority adopted the Public Financing Authority Resolution No. PFC 17-01, approving the form of certain documents in connection with the termination of lease documents related to the 2003 Certificates of Participation and 2007 Certificates of Participation, which are being prepaid.

OLD BUSINESS:

1. **SECOND READING OF ORDINANCE NO. 17-12, AN AMENDMENT TO TITLE 13 OF COSTA MESA MUNICIPAL CODE RELATED TO PLANNING AND SUBDIVISION APPLICATION REVIEW PROCESS TIME LIMITS**

MOVED/SECOND: Council Member Stephens/Mayor Pro Tem Genis

The motion carried by the following roll call vote:

Ayes: Council Member Mansoor, Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Nays: None

Absent: Council Member Righeimer

Motion carried: 4-0-1

ACTION:

City Council gave second reading and adopted Ordinance 17-12 (Code Amendment CO-17-05), read by title only, and further reading waived, amending Title 13 of the Costa Mesa Municipal Code related to time extension of Planning and Subdivision applications.

FOR INFORMATIONAL PURPOSES ONLY

2. **SECOND READING OF ORDINANCE NO. 17-13 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA TO ESTABLISH AN EXPEDITED PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS IN ACCORDANCE WITH AB 1236**

MOVED/SECOND: Mayor Pro Tem Genis/Council Member Stephens

The motion carried by the following roll call vote:

Ayes: Council Member Mansoor, Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Nays: None

Absent: Council Member Righeimer

Motion carried: 4-0-1

ACTION:

City Council gave second reading and adopted Ordinance No. 17-13, read by title only, and further reading waived, which sets forth an expedited, streamlined permitting process for electric vehicle charging stations, per the requirements of Assembly Bill 1236 (2015).

NEW BUSINESS:

1. **FIRST READING OF AN ORDINANCE OF THE CITY OF COSTA MESA AMENDING SECTION 9-190 OF THE MUNICIPAL CODE GOVERNING ILLEGAL FIREWORKS**

MOVED/SECOND: Council Member Mansoor/Council Member Stephens

The motion carried by the following roll call vote:

Ayes: Council Member Mansoor, Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Nays: None

Absent: Council Member Righeimer

Motion carried: 4-0-1

ACTION:

City Council introduced and gave first reading to Ordinance 17-14, read by title only, and further reading waived, amending the City of Costa Mesa Municipal Code Section 9-190 entitled "Prohibitions; state permit required" regulating the use of fireworks.

REPORT – CITY MANAGER - NONE

REPORT – CITY ATTORNEY - NONE

ADJOURNMENT - The Mayor adjourned the meeting at 8:18 p.m.